MONTANA LEGISLATIVE HISTORY

Chapter 342 19 77

Bill H _____ S 403 Original bill & history ____C

H. Committee on State Admin.		S. Committee on State Admin.	
Hearing Date(s) Mar 16	✓C	Hearing Date(s) Feb 16	____C
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Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Senate BILL NO. 403

INTRODUCED BY Turnage

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS IMPLEMENTING THE CONSTITUTIONAL RIGHT OF THE PEOPLE TO PETITION FOR INITIATIVE AND REFERENDUM ON STATEWIDE ISSUES; AMENDING SECTIONS 23-2704, 23-2802, 23-3326, AND 89-2330.3, R.C.M. 1947; AND REPEALING SECTIONS 37-101 THROUGH 37-104, 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6, 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 THROUGH 37-110, AND 37-201 THROUGH 37-203, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered 37-115 that reads as follows:

37-115. Initiative and referendum procedures established. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

Section 2. There is a new R.C.M. section numbered 37-116 that reads as follows:

37-116. Who may petition — sufficiency of signature. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card.

Section 3. There is a new R.C.M. section numbered 37-117 that reads as follows:

37-117. Form of petition generally — approval of form required — petitions numbered. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petitions must be submitted in a form such that the face dimensions do not exceed 8 1/2 x 14 inches in size. Each sheet may be 8 1/2 x 14 inches, or a continuous sheet may be folded so as to meet this size limitation. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Neither a sheet nor a section of a petition may contain signatures of electors from more than one county.

(3) Before a petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. The secretary of state shall refer a copy of the sheet to the attorney general for his approval. The secretary of state and attorney general must each review the sheet for sufficiency as to form and approve or reject the form of the petition stating his reasons therefor. The attorney general shall return the sheet together with his comments within 3 working days after receiving it. The secretary of state shall review the comments of the attorney general and make a final decision as to the approval or disapproval of the form of the sheet. The secretary of state must notify the person who submitted the sheet of the approval or rejection together with reasons for rejection, if applicable, within 1 week of receiving the sheet.

(4) The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

Section 4. There is a new R.C.M. section numbered 37-118 that reads as follows:

37-118. Petition for the initiative. (1) The following

is substantially the form for a petition calling for a vote to enact a law by the initiative:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION FOR INITIATIVE

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully propose that the measure printed within this petition, entitled (title of proposed law), be submitted to the qualified electors of the state of Montana for their approval or rejection at the general election to be held on the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly

written after my name to the best of my knowledge and belief. The complete text of the measure proposed is as follows: (complete text of proposed law).

(2) Numbered lines shall follow the above heading. Each numbered line shall certain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. Each separate sheet of the petition shall contain the heading and the complete text of the proposed law as prescribed above.

Section 5. There is a new R.C.M. section numbered 37-119 that reads as follows:

37-119. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine of not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that Senate (House) Bill Number ...., entitled (title of act), passed by the ..... Legislature of the state of Montana at the regular (special) session of the legislature that commenced ....., 19.., be referred to the people of the state for their approval or rejection at the general election to be held on the .... day of ....., 19 ... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. The complete text of the act to be referred is as follows: (complete text of act).

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. Each separate sheet of the petition shall contain the heading and the complete text of the act on which referendum is petitioned as prescribed above.

Section 6. There is a new R.C.M. section numbered

37-120 that reads as follows:

37-120. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

INITIATIVE PETITION ON THE QUESTION OF CALLING

A CONSTITUTIONAL CONVENTION

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that the question of whether there shall be an unlimited convention to revise, alter, or amend The Constitution of the State of Montana be submitted to the qualified electors of the state of Montana for their approval or rejection at the general election to be held on

the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. Each separate sheet of the petition shall contain the heading prescribed above.

Section 7. There is a new R.C.M. section numbered 37-121 that reads as follows:

37-121. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for the initiative to amend the constitution:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term

not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION PROPOSING A CONSTITUTIONAL AMENDMENT

BY THE INITIATIVE

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that the constitutional amendment printed within this petition be submitted to the qualified electors of the state of Montana for their approval or rejection at the statewide election to be held on the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. The complete text of the proposed amendment is as follows: (complete text of proposed amendment).

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. Each separate sheet of the petition shall contain the heading and the

complete text of the proposed amendment as prescribed above.

Section 8. There is a new R.C.M. section numbered 37-122 that reads as follows:

37-122. Submission of petition sheets -- certification of signatures. (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 1 year and no later than 2 weeks before the final date for filing the petition with the secretary of state. In no case, however, may a person submit a sheet or section of a petition to the county official so late as to allow less than 1 working day before the final date for filing the petition with the secretary of state for every 200 signatures on the sheets or sections of the petition submitted.

(2) An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

(Name of person circulating petition), being first sworn, deposes and says: That I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, and that the signers knew the contents of the petition before signing the same.

.....(Signature)

Subscribed and sworn to before me this .... day of ....., 19...

.....(Person authorized to take oaths)

Seal .....(Title or notarial information)

Section 9. There is a new R.C.M. section numbered 37-123 that reads as follows:

37-123. County official to forward verified sheets. (1) The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable ....., Secretary of State of the state of Montana:

I, ..., ... (title) of the County of ....., certify that I have examined the attached (section containing .... sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. .... in the manner prescribed by law; and I believe that .... (number) signatures in Legislative Representative District No. .... (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district

number is completed for each valid signature.

Signed: ..... (Date) ..... (Signature)

Seal ..... (Title)

(2) The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

(3) The county official receiving the sheets or sections of a petition shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select 10% of the signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(4) The county official to whom the sheets or sections of the petition are submitted may not retain a sheet or

section for longer than 1 working day for each 200 signatures on the sheet or section. The secretary of state may extend this time if he is convinced the workload involved requires extension.

(5) A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state giving the correct number of valid signatures.

Section 10. There is a new R.C.M. section numbered 37-124 that reads as follows:

37-124. Consideration and counting of signatures by secretary of state. (1) The secretary of state shall consider and count only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and count any signature not certified by the county official that is certified by a notary public of the county in which

the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana) ss

County of .....)

I, ... (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify: that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition), and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office address is correctly stated therein.

.....(Names of such electors)

In Testimony Whereof, I have hereunto set my hand and official seal this .... day of ....., 19...

..... (Signature)

Seal ..... (Notarial information)

Section 11. There is a new R.C.M. section numbered 37-125 that reads as follows:

37-125. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed

with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second Friday of the fourth month prior to the election at which they are to be voted upon by the people.

Section 12. There is a new R.C.M. section numbered 37-126 that reads as follows:

37-126. Certification of petition to governor -- governor's proclamation. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed. The governor shall include the titles of all ballot issues certified to him by the secretary of state or referred to the people or proposed by the legislature in the proclamation required by 23-2901 and shall also include a brief statement of each issue's tenor and effect.

Section 13. There is a new R.C.M. section numbered 37-127 that reads as follows:

37-127. Transmittal of issues to the attorney general -- attorney general's statement. (1) The secretary of state shall transmit a copy of a ballot issue proposed by any type of initiative petition or referred to the people by

referendum petition and a copy of the form in which the issue will appear on the ballot to the attorney general on the same day he certifies the official filing of the completed petition to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.

(4) At the same time he returns the statement explaining the purposes of the issue, the attorney general shall notify the secretary of state of his approval or disapproval of the ballot form for the issue submitted by the secretary. If the ballot form is not approved, the

secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by the attorney general within 5 days of receiving the new form. Either officer may request the assistance of the supreme court if the two are not able to agree on the ballot form for any issue.

(5) If statements of the implication of a vote for or against a ballot issue have been provided by the legislative act or petition placing the issue on the ballot, the secretary of state shall include a copy of the statements with the copy of the issue submitted to the attorney general. When the attorney general returns his statement of the general purpose of the issue to the secretary of state, he shall include a notice that he has reviewed the statements of the implication of a vote for or against the issue and may include comments as to whether the statements clearly explain the implications of a vote. If statements of the implication of a vote for or against a measure have not been provided, the attorney general shall provide the statements with his statement of the general purpose of the issue. Statements of the implication of a vote for or against a ballot issue shall be no more than 25 words and shall be in simple language clearly explaining the meaning of a vote for the issue or a vote against the issue. Such statements shall be placed beside the diagram provided for

the marking of the ballot similar to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

(6) In the case of an act referred to the people or a constitutional amendment proposed by the legislature, the secretary of state shall prepare a statement setting forth the vote by which the issue passed each house of the legislature. The secretary of state shall file an official copy of his statement with the attorney general's statement on the issue in the official records of his office.

Section 14. There is a new R.C.M. section numbered 37-128 that reads as follows:

37-128. Voter information pamphlet. (1) (a) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(i) title and complete text of the issue;

(ii) statement of the secretary of state;

(iii) statement of the attorney general;

(iv) the form in which the issue will appear on the ballot;

(v) arguments advocating approval and rejection of the

issue; and

(vi) rebuttal arguments.

(b) The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

(2) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this subsection:

(a) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one member who need not be a member of the legislature, appointed by the first two members.

(b) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one member who need not be a member of the legislature, appointed by the first two

members. Whenever possible, the members shall be known to have opposed the issue.

(c) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the chairman of the organization that was first on record with the commissioner of campaign finances and practices as a proponent of the petition.

(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

Section 15. There is a new R.C.M. section numbered 37-129 that reads as follows:

37-129. Time for making appointments -- chairman. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be filed with the secretary of state no later than 4 months before the election at which the ballot issue will be voted on by the

people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be filed with the secretary of state no later than 10 days after the measure is certified to the governor. At the same time the certification of the sufficiency of a petition is made to the governor, the secretary of state shall notify all persons responsible for appointing members of committees advocating approval or rejection of the issue of the date by which such appointments must be filed in his office.

(3) The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

Section 16. There is a new R.C.M. section numbered 37-130 that reads as follows:

37-130. Expenses allowed. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed $150 for a three-member committee and $250 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

Section 17. There is a new R.C.M. section numbered 37-131 that reads as follows:

37-131. Limitation on length of argument advocating approval or rejection -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 30 days following the date by which the appointment of the committee was required to be filed with the secretary of state. In no case, however, may an argument be submitted for filing later than 70 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

Section 18. There is a new R.C.M. section numbered 37-132 that reads as follows:

37-132. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office. The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten

form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

Section 19. There is a new R.C.M. section numbered 37-133 that reads as follows:

37-133. Rejection of improper arguments -- responsibility of author for content. (1) The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

(2) Nothing in this act relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter

information pamphlet.

Section 20. There is a new R.C.M. section numbered 37-134 that reads as follows:

37-134. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county and provide for an extra supply of the pamphlets in his office in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter

registration in each county shall mail one copy of the voter information pamphlet to each registered voter of the county no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

Section 21. There is a new R.C.M. section numbered 37-135 that reads as follows:

37-135. Secretary of state to certify ballot form. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act, legislative

constitutional proposal, or ballot issue proposed by any type of initiative petition unless that title exceeds 100 words. A title of 100 words or less for the ballot shall be provided by the legislature or the organization circulating the petition if the official title exceeds 100 words. Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(a) an act referred by the legislature;

(b) an amendment to the constitution proposed by the legislature;

(c) an act of the legislature referred by referendum petition; or

(d) a law or constitutional amendment proposed by initiative petition.

(2) Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 23-3506, 23-3804, or 23-3904 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the

number of issues to be voted on at an election makes it impossible to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 23-3506, 23-3804, or 23-3904.

Section 22. There is a new R.C.M. section numbered 37-136 that reads as follows:

37-136. Determination of result of election. (1) The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 23-4015 for abstract of votes for state officers. The state board of canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the

governor.

(2) The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

Section 23. There is a new R.C.M. section numbered 37-137 that reads as follows:

37-137. Effective date of initiative and referendum issues. (1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue approved by the people is effective on July 1 following approval.

(2) Unless the legislature provides otherwise, a constitutional amendment proposed by the legislature and approved by the people is effective on July 1 following approval.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under

37-136. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 37-136. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective July 1 following the election.

Section 24. There is a new R.C.M. section numbered 37-138 that reads as follows:

37-138. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 94-7-204 or 94-7-209, as applicable.

Section 25. Section 23-2704, R.C.M. 1947, is amended to read as follows:

"23-2704. Notice and closing of registration for

elections on incurring of state indebtedness other than for refunding or levy of tax. (1) If the question of state indebtedness, issuance of bonds or debentures other than for refunding, or the levy of a tax for state purposes, is submitted at an election other than a general biennial election, the registrar of each county shall publish in the official county newspaper, a notice signed by him, stating that registration will close at noon on the fortieth (40th) day prior to the date of the election unless the act providing for the submission of the question fixes a different time for the giving of notice. The notice shall be published ten (10) days or more prior to the date when registration will be closed unless the act providing for submission of the question fixes a different time for closing registration.

(2) If the question is to be submitted at a general biennial election, notice and the closing of registration shall be governed by the laws applying to general biennial elections. The provisions of ~~section 37-107, R.C.M. 1947~~ 37-134 apply to the printing and distribution of copies of the proposed law."

Section 26. Section 23-2802, R.C.M. 1947, is amended to read as follows:

"23-2802. Publication and printing of amendments to constitution. If a proposed constitutional amendment or

amendments are submitted to the people, the secretary of state shall:

~~(1) Have~~ have the proposed amendment or amendments published in full twice each month for ~~two (2)~~ months previous to the election at which they are to be voted upon by the people in not less than one ~~(1)~~ newspaper ~~commonly circulated~~ of general circulation in each county.

~~(2) Have a pamphlet printed containing an exact copy of the proposed amendment or amendments, an exact copy of existing constitutional provisions to be revised, and the amendment or amendments in the form in which it or they will be printed on the official ballot. The printed pamphlets shall be distributed as provided in section 37-107, R.C.M. 1947.~~"

Section 27. Section 89-2330.3, R.C.M. 1947, is amended to read as follows:

"89-2330.3. Procedures for elections in drainage districts. The election provided for by section 89-2330.1 shall be governed by the following rules.

(1) Notice of the election shall be as provided in section 89-2303 except that the form of the ballot shall be as hereinafter provided.

(2) The manner of conducting the election shall be as provided in section 89-2304.

(3) The qualifications of electors shall be as

provided in section 89-2305 except that, in addition to persons holding title, or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under chapter 409, Laws of 1973, or who will be assessed for benefits received, shall be entitled to one (1) vote. Commissioners shall prepare a list of such persons and give them notice as provided in section 89-2303.

(4) The commissioners of any district in existence prior to the effective date of chapter 409, Laws of 1973, who wish to hold an election to determine if the district shall be governed by chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of said district wish to be governed by chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by chapter 409, Laws of 1973 and shall include the summary as part of the notice provided for by section 89-2303. In addition, the commission shall provide copies of chapter 409, Laws of 1973 to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not

to exceed twenty cents ($.20) per page.

(5) The ballot shall include the summary as provided for in the preceding paragraph and the form of the ballot shall conform, as closely as possible, to that set forth in ~~section 37-106~~ 37-127.

(6) A simple majority of those who cast valid ballots shall determine the outcome of the election."

Section 28. Section 23-3326, R.C.M. 1947, is amended to read as follows:

"23-3326. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the county clerk and recorder of the county in which the signatures are gathered. The county clerk and recorder must verify the signatures in the manner prescribed in ~~section 37-103, R.C.M. 1947,~~ 37-123 and must forward the petitions to the secretary of state. The petitions must be submitted to the clerk and recorder at least ~~thirty (30)~~ days before the filing deadline established in ~~section~~ 23-3305~~, R.C.M. 1947~~."

Section 29. Repealer. Sections 37-101 through 37-104, 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6, 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 through 37-110, and 37-201 through 37-203, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 388-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 403 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Revises the laws implementing the constitutional right of the people to petition for initiative and referendum on statewide issues.

FISCAL IMPACT:

Minimal.

LOCAL IMPACT:

Counties should realize some saving of costs in processing petitions and in printing ballots.

Richard A. Simpson for

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: 2-11-77

SENATE JOINT RESOLUTION 12

Senator Rasmussen, District 16, sponsor of the resolution, stated the purpose of the resolution is to compile land use data yearly. He stated his proposed amendments would lower the cost to approximately $30,000.

PROPONENTS

Richard Burke, Acting Director of the Environmental Quality Council, stated this would help in determining what is on hand at present and where duplication exists.

There being no further proponents and no opponents, the hearing was closed.

Senator Story expressed a concern over possible misuse of the information.

Senator Towe asked who would compile the report and Mr. Burke stated it didn't make any difference but should be written into the bill.

Senator Roskie asked if the bill was submitted at the direct request of the E.Q.C. Senator Rasmussen answered yes.

SENATE BILL 403

Senator Turnage, District 13, sponsor of the bill, stated the purpose of the bill clarify and clean up the petition and initiative process language in the codes.

PROPONENTS

Jo Ann Woodgerd, Secretary of State's Office, stated the bill was introduced at the request of that office and is more substantive than a recodification bill. She reviewed the changes proposed by the bill for the committee.

Margaret Davis, League of Women Voters, stated her support of the bill.

There being no further proponents and no opponents, the hearing was closed.

There being no further business, the meeting adjourned to reconvene upon adjournment of the Senate, February 16.

Thomas E. Towe

Thomas E. Towe, Chairman

SENATE State Administration COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPO
Steve Pelmutter	EQC	SJR 12 SB 314	✓	
Dick Brown	EQC	SJR 12	✓	
J. Curtis Woodgerd	Sec. of State	SB 286 SB 403	— ✓	
[illegible]	Sec of State	SB 286 SJR 3		
Helen-Vaughan MacKenzie	Citizen			
Joy Bruck	League of Women Voters	SJR 10 SB 403	✓	
Joan Williams	League of Women Voters	SJR 10	✓	
Margaret Davis	League of Women Voters	SB 403 SJR 10	✓	
Eva Spaulding	League of Women Voters	SJR 10	✓	
Andy Nelson	Senator	SB 395	✓	
Jack Crosser	Dept of Admin	SB 286	✓	
P. B. Tacey	MHP	SB 395		—
Tom Hager	Senator - Sponsor	SB 314	✓	
Warren M. Van Tuyl	Tenneco	SB 314 SJR 12	for w/ comments	
W. Fabick	self	SB 286	—	
Bill Wilson	intern	—		

ROLL CALL

_____ COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 3/14/77

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

SENATE BILL 179

Senator Brown moved to amend the bill as per the attached committee report. THE MOTION CARIRED WITH SENATOR ROSKIE VOTING NO AND SENATORS STORY AND DEVINE ABSENT.

Senator Brown moved Senate Bill 179 Do Pass As Amended. THE MOTION CARRIED WITH SENATOR ROSKIE NO AND SENATORS STORY AND DEVINE ABSENT.

SENATE BILL 403

Jo Ann Woodgerd, Secretary of State's Office, proposed amendments to the committee regarding the bill. After discussion, Senator Blaylock moved the amendments as per the attached committee report. THE MOTION CARRIED UNANIMOUSLY WITH SENATORS ROSKIE, DEVINE, AND STORY ABSENT.

Senator Blaylock moved Senate Bill 403 Do Pass As Amended. THE MOTION CARRIED UNANIMOUSLY WITH SENATORS ROSKIE, DEVINE, AND STORY ABSENT.

There being no further business, the meeting adjourned to reconvene February 18, 1977.

Thomas E. Towe, Chairman

ROLL CALL

_____ COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date _____

NAME	PRESENT	ABSENT	EXCUSED
Senator Thomas E. Towe, Chrm.	X		
Senator Pete Story, V. Chrm.	X		
Senator Bob Brown	X		
Senator A.T. "Tom" Rasmussen	X		
Senator George F. Roskie	X		
Senator John W. Devine	X		
Senator Greg Jergeson	X		
Senator Chet Blaylock	X		

STANDING COMMITTEE REPORT

February 18 19 77

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 403

Respectfully report as follows: That Senate Bill No. 403

introduced bill, be amended as follows:

1. Amend page 2, section 3, lines 18 through 25.
Following: line 17
Strike: lines 18 through 25 in their entirety
Insert: "(2) Petition -- Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containin signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional amendment. If signature lines are printed on both the front and back of a petition sheet the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. If sheets are circulated in sections the complete text of the measure must be attached to each section."

DO PASS

CONTINUED

2. Amend page 5, section 4, lines 2 and 3.
Following: "belief."
Strike: lines 2 and 3 in their entirety

3. Amend page 5, section 4, lines 7 through line 9.
Following: "signer."
Strike: lines 7 through 9 in their entirety

4. Amend page 6, section 4, lines 16 and 17.
Following: "belief"
Strike: lines 16 and 17 in their entirety

5. Amend page 6, section 4, lines 21 through 24.
Following: "signer."
Strike: lines 21 through 24 in their entirety

6. Amend page 8, section 6, lines 11 through 13.
Following: "signer."
Strike: lines 11 through 13 in their entirety

7. Amend page 9, section 7, lines 18 through 20.
Following: "belief."
Strike: lines 18 through 20 in their entirety

8. Amend page 9, section 7, line 24 through line 1 on page 10.
Following: "signer."
Strike: lines 24 through line 1 on page 10 in their entirety

9. Amend page 10, section 8, line 19.
Following: "petition,"
Insert: "affirms, or"

10. Amend page 12, section 9, line 13.
Following: "select"
Strike: "10% of the"

11. Amend page 13, section 9, line 9.
Following: "statement"
~~Strike:~~ "or affirmation"
INSERT:

12. Amend page 17, section 13, lines 4 through 6.
Following: "form."
Strike: lines 4 through 7 in their entirety

AND AS SO AMENDED, DO PASS

Thomas E. Towe

Thomas E. Towe, Chairman

STATE ADMINISTRATION COMMITTEE March 16, 1977

The meeting was called to order at 8:00 a.m. by Chairman Brand, roll call was taken, with Representatives Ryan and Bardanouve absent.

Dick Hargesheimer distributed his summary of SB 403 to the committee, see attachment #1

EXECUTIVE ACTION

SJR 35-BRAND-Both parties have agreed that with no amendments, they would support the resolution, then they will bring out another bill or resolution to have another task force. MULAR-The task force would be comprised of 9 legislators, there would be $300,000 appropriated, and it would be a jurisdictional committee. The question was asked if the Inter-Tribal Policy Board would send a man to a task force. They said no, that they wanted the chief from each tribe to be there. TURNER-There was an article in the paper saying that they would have the power to tax, and enforce their laws. MULAR-With this bill, Congress will be addressed, and with the other resolution, the state's problem will be addressed.

Kropp moved that the resolution BE CONCURRED IN, the motion carried unanimously, with Ryan and Bardanouve not present or voting. Rep. Conroy will carry the bill on the floor.

HEARING

SB 403-Senator Turnage, sponsor--This is a general recodification and revision of the petition, initiative and referendum laws. The present law is difficult to deal with.

JOANNE WOODGERD, Deputy Secretary of State--We had a number of initiatives last year, and we could have as many in 1978. We found a number of problems both at the county level and state level, and with each citizen. We tried to amend the present law, but felt that the only way to really make sense of it would be to write a new law. This bill goes straight through the present law, and spells out just what you need to do. The major changes are: a petition must be submitted to the Secretary of State and the Attorney General for approval of form before it is circulated. This does not allow them to disallow a petition due to its substantive nature. Every section of the petition presented must have the affidavit of the circulator on it. This has been in local law for a number of years, and we feel it is a good safeguard. When the petitions are submitted for checking of the signatures, the names are checked against the lists of registered voters, and then a random sample of the signatures are checked. They don't have to check every signature with this. We feel the provision of affidavit is a safeguard and a method of challenge for the clerk and recorder. We also added a challenge procedure where someone in the county may challenge the genuineness of the petition. Because of the number of petitions that were circulated, alot of signatures and petitions didn't get checked at all. Another change provides a time limit for appointments of committees to write pro and con arguments. There was nothing in the law that said when you could start signing a petition - only when the deadline occurred. This bill allows you to begin one year before the election. The 1975 legislature passed a law dealing with the pro and con arguments. We had mechanical problems with getting the arguments in on time. We have tightened up the time periods for these arguments to be written. We have also provided for a minimal expense account for the committee who writes the pro and con arguments. We did provide for only minimal accounts. Alot of amendments were added to agree with amendments on page 3. The Senate struck, on page 17, line 19 the portion allowing the secretary of

state or the attorney general to consult the Supreme Court about the ballot form, they felt that this had to be a formal action, and should not be included in the bill.

MULAR-If we give you the minimum inherent right, I don't think you will abuse it. TURNER-Line 9, page 6 - I know of a number of cases where people have signed petitions and then found out that they weren't registered. KANDUCH-Page 2, subsection 2, line 18 - can you explain this? WOODGERD-When you have petitions with extra sheets that show no heading, the law holds that people may be signing something that they don't understand. So, even if you have 25 sheets of signatures, if only the first page shows the explanation, 24 sheets will be disqualified.

HEARING CLOSED

EXECUTIVE SESSION

SB 403-Mular moved to amend page 22, line 11 - Following: "members", Strike: "not to exceed", Insert: "shall be a minimum of". Woodgerd had suggested that we also amend page 22, line 10 - Following: "receive", Insert: "reasonable", Strike: "not to exceed $150". Motion failed. Kanduch moved that the bill BE CONCURRED IN, the motion carried unanimously. Mular will carry it on the floor.

SB 122-BRAND-It seemed that the biggest problem was with the dates and time required in printing. Smith moved that the bill be NOT CONCURRED IN, the motion carried unanimously.

SB 265-BRAND-Dick, would you check into this and find out the old process and how the money was brought into the state. MULAR-I move to pass consideration on SB 265 for the day, motion carried.

SB 286-Kropp moved that the bill NOT BE CONCURRED IN. MULAR-As a substitute motion, for all motions pending, I move to amend page 3, line 3, Following: "~~state treasurer~~", Insert: "the deputy state treasurer"; and to further amend page 3, line 4, Following: "~~three~~", Strike: "four", Insert: "three". Motion carried with Feda voting no. Mular moved that SB 286 BE CONCURRED IN AS AMENDED, motion carried 6 - 5, with Brand, Feda, Kropp, Smith, and Tower voting no; and Lien, Bardanouve, Menahan, and Ryan not voting.

MEETING ADJOURNED - 10:00 a.m.

Joe Brand, Chairman

Anita C. Sierke, Secretary

SENATE BILL NO. 403

INTRODUCED BY TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS IMPLEMENTING THE CONSTITUTIONAL RIGHT OF THE PEOPLE TO PETITION FOR INITIATIVE AND REFERENDUM ON STATEWIDE ISSUES; AMENDING SECTIONS 23-2704, 23-2802, 23-3326, AND 89-2330.3, R.C.M. 1947; AND REPEALING SECTIONS 37-101 THROUGH 37-104, 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6, 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 THROUGH 37-110, AND 37-201 THROUGH 37-203, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered 37-115 that reads as follows:

37-115. Initiative and referendum procedures established. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

REFERENCE BILL

Section 2. There is a new R.C.M. section numbered 37-116 that reads as follows:

37-116. Who may petition -- sufficiency of signature. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card.

Section 3. There is a new R.C.M. section numbered 37-117 that reads as follows:

37-117. Form of petition generally -- approval of form required -- petitions numbered. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) ~~Petitions--must--be--submitted-in-a-form-such-that the-face-dimensions-do-not-exceed-8-1/2-x-14-inches-in-size. Each-sheet-may-be-8-1/2-x-14-inches,-or-a--continuous--sheet may--be-folded-so-as-to-meet-this-size-limitation.--Separate sheets-of-a-petition-may-be-fastened-in-sections-of-not-more than-25-sheets.-Neither-a-sheet-nor-a-section-of-a--petition may--contain--signatures--of--electors--from--more--than-one county.~~ PETITION--PETITION SHEETS MAY NOT EXCEED 8 1/2 X 14

INCHES IN SIZE. SEPARATE SHEETS OF A PETITION MAY BE FASTENED IN SECTIONS OF NOT MORE THAN 25 SHEETS. NEAR THE TOP OF EACH SHEET CONTAINING SIGNATURE LINES MUST BE PRINTED THE TITLE OF THE STATUTE OR CONSTITUTIONAL AMENDMENT PROPOSED OR THE MEASURE TO BE REFERRED OR A STATEMENT THAT THE PETITION IS FOR THE PURPOSE OF CALLING A CONSTITUTIONAL AMENDMENT ~~AMENDMENT~~ CONVENTION. If signature lines are printed on both the front and back of a petition sheet the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. If sheets are circulated in sections the complete text of the measure must be attached to each section.

(3) Before a petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. The secretary of state shall refer a copy of the sheet to the attorney general for his approval. The secretary of state and attorney general must each review the sheet for sufficiency as to form and approve or reject the form of the petition stating his reasons therefor. The attorney general shall return the sheet together with his comments within 3 working days after receiving it. The secretary of state shall review the comments of the attorney

general and make a final decision as to the approval or disapproval of the form of the sheet. The secretary of state must notify the person who submitted the sheet of the approval or rejection together with reasons for rejection, if applicable, within 1 week of receiving the sheet.

(4) The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

Section 4. There is a new R.C.M. section numbered 37-118 that reads as follows:

37-118. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION FOR INITIATIVE

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully propose that the measure printed within this petition, entitled (title of proposed law), be submitted to the qualified electors of the state of Montana for their approval or rejection at the general election to be held on the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. ~~The complete text of the measure proposed is as follows: (complete text of proposed law).~~

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. ~~Each separate sheet of the petition shall contain the heading and the complete text of the proposed law as prescribed above.~~

Section 5. There is a new R.C.M. section numbered 37-119 that reads as follows:

37-119. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine of not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that Senate (House) Bill Number ....., entitled (title of act), passed by the ..... Legislature of the state of Montana at the regular (special) session of the legislature that commenced ....., 19..., be referred to the people of the state for their approval or rejection at the general election to be held on the .... day of ....., 19 ... By his signature, each signer certifies: I have personally signed this petition; I am a qualified

elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. ~~The complete text of the act to be referred is as follows: (complete text of act).~~

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. ~~Each separate sheet of the petition shall contain the heading and the complete text of the act on which referendum is petitioned as prescribed above.~~

Section 6. There is a new R.C.M. section numbered 37-120 that reads as follows:

37-120. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector

of the state is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

INITIATIVE PETITION ON THE QUESTION OF CALLING

A CONSTITUTIONAL CONVENTION

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that the question of whether there shall be an unlimited convention to revise, alter, or amend The Constitution of the State of Montana be submitted to the qualified electors of the state of Montana for their approval or rejection at the general election to be held on the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. ~~Each~~

~~separate--sheet--of--the--petition-shall-contain-the-heading prescribed-above.~~

Section 7. There is a new R.C.M. section numbered 37-121 that reads as follows:

37-121. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for the initiative to amend the constitution:

WARNING

A person who purposefully signs a name other than his own to this petition or who signs his name more than once upon a petition for the same issue at one election or who is not, at the time he signs this petition, a qualified elector of the state of Montana is punishable by a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 6 months, or both, or imprisonment in the state prison for a term not to exceed 10 years.

PETITION PROPOSING A CONSTITUTIONAL AMENDMENT

BY THE INITIATIVE

To the Honorable ....., Secretary of State of the state of Montana:

We, the undersigned qualified electors of the state of Montana, respectfully petition that the constitutional amendment printed within this petition be submitted to the qualified electors of the state of Montana for their approval or rejection at the statewide election to be held

on the .... day of ....., 19... By his signature, each signer certifies: I have personally signed this petition; I am a qualified elector of the state of Montana; I have not signed another petition for the same issue for the same election; and my post-office address and legislative representative district number are correctly written after my name to the best of my knowledge and belief. ~~The complete text of the proposed amendment is as follows: (complete text of proposed amendment).~~

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer. ~~Each separate sheet of the petition shall contain the heading and the complete text of the proposed amendment as prescribed above.~~

Section 8. There is a new R.C.M. section numbered 37-122 that reads as follows:

37-122. Submission of petition sheets -- certification of signatures. (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 1 year and no later than 2 weeks before the final date for filing the petition with the secretary of state. In no case, however, may a person submit a sheet or section of a petition to the county

official so late as to allow less than 1 working day before the final date for filing the petition with the secretary of state for every 200 signatures on the sheets or sections of the petition submitted.

(2) An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

(Name of person circulating petition), AFFIRMS, OR being first sworn, deposes and says: That I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, and that the signers knew the contents of the petition before signing the same.

..... (Signature)

Subscribed and sworn to before me this .... day of ....., 19...

.....(Person authorized to take oaths)

Seal .....(Title or notarial information)

Section 9. There is a new R.C.M. section numbered 37-123 that reads as follows:

37-123. County official to forward verified sheets. (1) The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in

substantially the following form attached:

To the Honorable ....., Secretary of State of the state of Montana:

I, ..., ... (title) of the County of ....., certify that I have examined the attached (section containing ... sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. .... in the manner prescribed by law; and I believe that .... (number) signatures in Legislative Representative District No. .... (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: ..... (Date) ..... (Signature)

Seal ..... (Title)

(2) The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

(3) The county official receiving the sheets or sections of a petition shall check the names of all signers

to verify they are registered electors of the county. In addition, the official shall randomly select ~~10% of the~~ signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(4) The county official to whom the sheets or sections of the petition are submitted may not retain a sheet or section for longer than 1 working day for each 200 signatures on the sheet or section. The secretary of state may extend this time if he is convinced the workload involved requires extension.

(5) A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement <u>OR AFFIRMATION</u> of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of

the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state giving the correct number of valid signatures.

Section 10. There is a new R.C.M. section numbered 37-124 that reads as follows:

37-124. Consideration and counting of signatures by secretary of state. (1) The secretary of state shall consider and count only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and count any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana) ss

County of .....)

I, ... (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify: that I am personally acquainted with each of

the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition), and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office address is correctly stated therein.

.....(Names of such electors)

In Testimony Whereof, I have hereunto set my hand and official seal this .... day of ....., 19...

..... (Signature)

Seal ..... (Notarial information)

Section 11. There is a new R.C.M. section numbered 37-125 that reads as follows:

37-125. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second Friday of the fourth month prior to the election at which they are to be voted upon by the people.

Section 12. There is a new R.C.M. section numbered 37-126 that reads as follows:

37-126. Certification of petition to governor -- governor's proclamation. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a

sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed. The governor shall include the titles of all ballot issues certified to him by the secretary of state or referred to the people or proposed by the legislature in the proclamation required by 23-2901 and shall also include a brief statement of each issue's tenor and effect.

Section 13. There is a new R.C.M. section numbered 37-127 that reads as follows:

37-127. Transmittal of issues to the attorney general -- attorney general's statement. (1) The secretary of state shall transmit a copy of a ballot issue proposed by any type of initiative petition or referred to the people by referendum petition and a copy of the form in which the issue will appear on the ballot to the attorney general on the same day he certifies the official filing of the completed petition to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.

(4) At the same time he returns the statement explaining the purposes of the issue, the attorney general shall notify the secretary of state of his approval or disapproval of the ballot form for the issue submitted by the secretary. If the ballot form is not approved, the secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by the attorney general within 5 days of receiving the new form. ~~Either officer may request the assistance of the supreme court if the two are not able to agree on the ballot form for any issue.~~

(5) If statements of the implication of a vote for or against a ballot issue have been provided by the legislative act or petition placing the issue on the ballot, the secretary of state shall include a copy of the statements

with the copy of the issue submitted to the attorney general. When the attorney general returns his statement of the general purpose of the issue to the secretary of state, he shall include a notice that he has reviewed the statements of the implication of a vote for or against the issue and may include comments as to whether the statements clearly explain the implications of a vote. If statements of the implication of a vote for or against a measure have not been provided, the attorney general shall provide the statements with his statement of the general purpose of the issue. Statements of the implication of a vote for or against a ballot issue shall be no more than 25 words and shall be in simple language clearly explaining the meaning of a vote for the issue or a vote against the issue. Such statements shall be placed beside the diagram provided for the marking of the ballot similar to the following example:

FOR extending the right to vote to persons 18 years of age.

AGAINST extending the right to vote to persons 18 years of age.

(6) In the case of an act referred to the people or a constitutional amendment proposed by the legislature, the secretary of state shall prepare a statement setting forth the vote by which the issue passed each house of the legislature. The secretary of state shall file an official

copy of his statement with the attorney general's statement on the issue in the official records of his office.

Section 14. There is a new R.C.M. section numbered 37-128 that reads as follows:

37-128. Voter information pamphlet. (1) (a) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(i) title and complete text of the issue;

(ii) statement of the secretary of state;

(iii) statement of the attorney general;

(iv) the form in which the issue will appear on the ballot;

(v) arguments advocating approval and rejection of the issue; and

(vi) rebuttal arguments.

(b) The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

(2) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this subsection:

(a) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one member who need not be a member of the legislature, appointed by the first two members.

(b) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one member who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(c) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the chairman of the organization that was first on record with the commissioner of campaign finances and practices as a proponent of the petition.

(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

Section 15. There is a new R.C.M. section numbered 37-129 that reads as follows:

37-129. Time for making appointments -- chairman. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be filed with the secretary of state no later than 4 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be filed with the secretary of state no later than 10 days after the measure is certified to the governor. At the same time the certification of the sufficiency of a petition is made to the governor, the secretary of state shall notify all persons responsible for appointing members of committees advocating approval or rejection of the issue

of the date by which such appointments must be filed in his office.

(3) The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

Section 16. There is a new R.C.M. section numbered 37-130 that reads as follows:

37-130. Expenses allowed. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed $150 for a three-member committee and $250 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

Section 17. There is a new R.C.M. section numbered 37-131 that reads as follows:

37-131. Limitation on length of argument advocating approval or rejection -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 30 days following the date by which the appointment of the committee was required to be filed with the secretary of state. In no case, however, may an argument be submitted for filing later

than 70 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

Section 18. There is a new R.C.M. section numbered 37-132 that reads as follows:

37-132. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office. The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

Section 19. There is a new R.C.M. section numbered 37-133 that reads as follows:

37-133. Rejection of improper arguments -- responsibility of author for content. (1) The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

(2) Nothing in this act relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

Section 20. There is a new R.C.M. section numbered 37-134 that reads as follows:

37-134. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for

shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county and provide for an extra supply of the pamphlets in his office in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter of the county no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

Section 21. There is a new R.C.M. section numbered 37-135 that reads as follows:

37-135. Secretary of state to certify ballot form. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act, legislative constitutional proposal, or ballot issue proposed by any type of initiative petition unless that title exceeds 100 words. A title of 100 words or less for the ballot shall be provided by the legislature or the organization circulating the petition if the official title exceeds 100 words. Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(a) an act referred by the legislature;

(b) an amendment to the constitution proposed by the

legislature;

(c) an act of the legislature referred by referendum petition; or

(d) a law or constitutional amendment proposed by initiative petition.

(2) Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 23-3506, 23-3804, or 23-3904 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impossible to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 23-3506, 23-3804, or 23-3904.

Section 22. There is a new R.C.M. section numbered 37-136 that reads as follows:

37-136. Determination of result of election. (1) The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and

returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 23-4015 for abstract of votes for state officers. The state board of canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

(2) The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

Section 23. There is a new R.C.M. section numbered 37-137 that reads as follows:

37-137. Effective date of initiative and referendum

issues. (1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue approved by the people is effective on July 1 following approval.

(2) Unless the legislature provides otherwise, a constitutional amendment proposed by the legislature and approved by the people is effective on July 1 following approval.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under 37-136. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 37-136. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval

at an election and that is approved is effective July 1 following the election.

Section 24. There is a new R.C.M. section numbered 37-138 that reads as follows:

37-138. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 94-7-204 or 94-7-209, as applicable.

Section 25. Section 23-2704, R.C.M. 1947, is amended to read as follows:

"23-2704. Notice and closing of registration for elections on incurring of state indebtedness other than for refunding or levy of tax. (1) If the question of state indebtedness, issuance of bonds or debentures other than for refunding, or the levy of a tax for state purposes, is submitted at an election other than a general biennial election, the registrar of each county shall publish in the official county newspaper, a notice signed by him, stating that registration will close at noon on the fortieth (40th) day prior to the date of the election unless the act providing for the submission of the question fixes a

different time for the giving of notice. The notice shall be published ten (10) days or more prior to the date when registration will be closed unless the act providing for submission of the question fixes a different time for closing registration.

(2) If the question is to be submitted at a general biennial election, notice and the closing of registration shall be governed by the laws applying to general biennial elections. The provisions of ~~section--37-107,--R.C.M.--1947~~ 37-134 apply to the printing and distribution of copies of the proposed law."

Section 26. Section 23-2802, R.C.M. 1947, is amended to read as follows:

"23-2802. Publication and printing of amendments to constitution. If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall:

~~(1)~~--Have have the proposed amendment or amendments published in full twice each month for ~~two (2)~~ months previous to the election at which they are to be voted upon by the people in not less than one ~~(1)~~ newspaper ~~commonly circulated~~ of general circulation in each county.

~~(2)--Have a pamphlet printed containing an exact copy of the proposed amendment or amendments, an exact copy of existing constitutional provisions to be revised, and the~~

~~amendment or amendments in the form in which it or they will be printed on the official ballot. The printed pamphlets shall be distributed as provided in section 37-107, R.C.M. 1947.~~"

Section 27. Section 89-2330.3, R.C.M. 1947, is amended to read as follows:

"89-2330.3. Procedures for elections in drainage districts. The election provided for by section 89-2330.1 shall be governed by the following rules.

(1) Notice of the election shall be as provided in section 89-2303 except that the form of the ballot shall be as hereinafter provided.

(2) The manner of conducting the election shall be as provided in section 89-2304.

(3) The qualifications of electors shall be as provided in section 89-2305 except that, in addition to persons holding title, or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under chapter 409, Laws of 1973, or who will be assessed for benefits received, shall be entitled to one (1) vote. Commissioners shall prepare a list of such persons and give them notice as provided in section 89-2303.

(4) The commissioners of any district in existence

prior to the effective date of chapter 409, Laws of 1973, who wish to hold an election to determine if the district shall be governed by chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of said district wish to be governed by chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by chapter 409, Laws of 1973 and shall include the summary as part of the notice provided for by section 89-2303. In addition, the commission shall provide copies of chapter 409, Laws of 1973 to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not to exceed twenty cents ($.20) per page.

(5) The ballot shall include the summary as provided for in the preceding paragraph and the form of the ballot shall conform, as closely as possible, to that set forth in ~~section 37-106~~ 37-127.

(6) A simple majority of those who cast valid ballots shall determine the outcome of the election."

Section 28. Section 23-3326, R.C.M. 1947, is amended to read as follows:

"23-3326. Submission and verification of petition.

Petitions of nomination for the presidential preference primary election must be presented to the county clerk and recorder of the county in which the signatures are gathered. The county clerk and recorder must verify the signatures in the manner prescribed in ~~section 37-103, R.C.M. 1947,~~ 37-123 and must forward the petitions to the secretary of state. The petitions must be submitted to the clerk and recorder at least ~~thirty (30)~~ days before the filing deadline established in ~~section~~ 23-3305~~, R.C.M. 1947~~."

Section 29. Repealer. Sections 37-101 through 37-104, 37-104.1, 37-104.2, 37-104.3, 37-104.4, 37-104.5, 37-104.6, 37-104.7, 37-104.8, 37-104.9, 37-104.10, 37-105 through 37-110, and 37-201 through 37-203, R.C.M. 1947, are repealed.

-End-